

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN H. MORLEY, JR.,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	No. 03-6012
	:	
SUPERIOR COURT, et al.,	:	
	:	
Defendants.	:	

MEMORANDUM

R.F. KELLY, Sr. J.

FEBRUARY 26, 2004

Before this Court is Defendants' Motion to Dismiss Plaintiff's Complaint. *Pro se* Plaintiff, John H. Morley, Jr., filed an action against the Superior Court of Pennsylvania, the Court of Common Pleas of Bucks County and the Honorable Ward F. Clark ("Defendants"). Plaintiff brings this action against Defendants alleging the violation of his constitutional rights regarding the actions of Defendants in connection with litigation in which Plaintiff was involved in the state court. For the reasons that follow, Defendants' Motion is granted.

I. BACKGROUND¹

Plaintiff's action is based upon an underlying state civil case in which he was a party. Since 1995, Plaintiff has been involved in state court litigation regarding claims for breach of contract, fraud and bad faith. On April 5, 2001, in relation to a counterclaim, judgment was entered against Plaintiff in the amount of \$16,208.66. Plaintiff alleges that the judgment against him was due to the actions of Defendant Judge Ward F. Clark who presided over the state court

¹ The following facts are taken from Plaintiff's Amended Complaint. The Court has presented the facts in the light most favorable to Plaintiff.

action. Specifically, Plaintiff alleges that Judge Clark refused to allow him to enter rebuttal testimony at the trial. Additionally, Plaintiff claims that Judge Clark found findings of fact and conclusions of law which were erroneous and contrary to the weight of the evidence.

Plaintiff appealed the judgment against him to the Pennsylvania Superior Court. Upon a motion to quash the appeal, the Pennsylvania Superior Court quashed Plaintiff's appeal in its entirety. Plaintiff claims that the Pennsylvania Superior Court improperly quashed his entire appeal because the motion to quash only sought to quash the appeal in part. Plaintiff also asserts that Judge Clark ordered the clerks in the Prothonotary's Office not to forward the record to the Pennsylvania Superior Court. Plaintiff alleges that Judge Clark and the "Honorable R. Barry McAndrews, the Honorable Isaac Garb, Court Clerks and the Superior Court" conspired to deprive him of his Constitutional due process rights. (Am. Compl. ¶ 22).

Plaintiff sought relief from the Pennsylvania Superior Court's ruling by filing a Petition for Allowance of Appeal in the Supreme Court of Pennsylvania. The Pennsylvania Supreme Court denied the Petition. Plaintiff proceeded to file a Petition for Writ of Certiorari with the Supreme Court of the United States ("Supreme Court"). Plaintiff's Petition was denied by the Supreme Court.

On October 30, 2003, Plaintiff filed his *pro se* Complaint with this Court. Plaintiff filed his *pro se* Amended Complaint on November 19, 2003. The crux of Plaintiff's action is that the Defendants deprived, as well as conspired to deprive, him of his Constitutional due process rights by their actions in state court. Count I, entitled "Violation of 42 U.S.C. subsection 1983 - Deprivation of Due Process Rights," is premised upon the following allegations: "[b]y refusing to allow rebuttal testimony, the Judge deprived Morley of his

Constitutional due process rights” and “[b]y *sua sponte* quashing Morley’s appeal, **in whole**, [t]he Superior Court deprived Morley of his Constitutional due process rights.” (Am. Compl. ¶¶ 24-25). Count II, entitled “Violation of 42 U.S.C. subsection 1985 - Conspiracy,” is premised upon the following allegation, “[t]he actions of the defendants constitutes [sic] a conspiracy to deprive Morley of his Constitutional due process rights.”² (Id. ¶ 28). As for the issue of the relief sought by Plaintiff, he seeks injunctive relief in the form of a new state court trial before a twelve member jury or, in the alternative, allowance of his appeal in the Pennsylvania Superior Court.

II. STANDARD

A motion to dismiss, pursuant to Federal Rule of Civil Procedure 12(b)(6), tests the legal sufficiency of the complaint. Conley v. Gibson, 355 U.S. 41, 45-46 (1957). A court must determine whether the party making the claim would be entitled to relief under any set of facts that could be established in support of his or her claim. Hishon v. King & Spalding, 467 U.S. 69, 73 (1984)(citing Conley, 355 U.S. at 45-46); see also Wisniewski v. Johns-Manville Corp., 759 F.2d 271, 273 (3d Cir. 1985). In considering a Motion to Dismiss, all allegations in the complaint must be accepted as true and viewed in the light most favorable to the non-moving party. Rocks v. City of Phila., 868 F.2d 644, 645 (3d Cir. 1989)(citations omitted). “Further, when the plaintiff is a *pro se* litigant, a court has a special obligation to construe the complaint liberally.” Bardsley v. Lawrence, 956 F. Supp. 570, 572 (E.D. Pa. 1997)(citing Zilich v. Lucht,

² In Plaintiff’s response to Defendants’ Motion to Dismiss, Plaintiff appears to acknowledge that his conspiracy claim based upon 42 U.S.C. §1985 should have been brought pursuant to 42 U.S.C. §1983. (See Pl.’s Answ. Defs.’ Mot. to Dismiss). The Court will assume, for purposes of deciding this Motion, that Plaintiff seeks relief under Section 1983.

981 F.2d 694 (3d Cir. 1992)). “A complaint is properly dismissed only if it appears that the plaintiff cannot prove any set of facts in support of its claim which would entitle it to relief.” Id. (citing Ransom v. Marrazzo, 848 F.2d 398, 401 (3d Cir. 1988)).

III. DISCUSSION

A. Defendants’ Motion to Dismiss

Defendants make the argument that Plaintiff’s Amended Complaint should be dismissed because the Court lacks subject matter jurisdiction pursuant to the Rooker-Feldman doctrine.³ “Under the Rooker-Feldman doctrine, a federal district court does not have subject matter jurisdiction over challenges to state court decisions.” Travis v. Miller, 226 F. Supp.2d 663, 667 (E.D. Pa. 2002)(citing Rooker v. Fid. Trust Co., 263 U.S. 413 (1923); Dist. of Columbia Court of Appeals v. Feldman, 460 U.S. 462 (1983)). According to the Rooker-Feldman doctrine, “[a] federal claim is an impermissible challenge to a state court decision . . . when entertaining the federal claim would be equivalent to an appellate review of the state court order.” Id. (citing FOCUS v. Allegheny County Court of Common Pleas, 75 F.3d 834, 840 (3d Cir. 1996)).

Thus, the Rooker-Feldman doctrine “precludes lower federal courts from exercising jurisdiction over claims that were actually litigated in state court or are ‘inextricably intertwined’ with a state court adjudication.” Assocs. in Obstetrics and Gynecology v. Upper

³ Defendants’ Motion to Dismiss is based upon Federal Rule of Civil Procedure 12(b)(6). (See Defs.’ Mot. to Dismiss). However, Defendants’ argument that Plaintiff’s Amended Complaint should be dismissed because of lack of subject matter jurisdiction under the Rooker-Feldman doctrine should have been brought pursuant to Federal Rule of Civil Procedure 12(b)(1). See Fed. R. Civ. P. 12(b)(1). Although Defendants did not request dismissal of this case pursuant to Rule 12(b)(1), the Court’s determination of lack of subject matter jurisdiction will be guided by Rule 12(b)(1).

Merion Township, 270 F. Supp.2d 633, 642 (E.D. Pa. 2003)(quoting Parkview Assocs. P'ship v. City of Lebanon, 225 F.3d 321, 325 (3d Cir. 2000)). “[A] federal action is inextricably intertwined with a state adjudication, and thus barred in federal court under Feldman, where the federal relief can only be predicated upon a conviction that the state court was wrong.” Parkview, 225 F.3d at 325 (quotations and internal quotation marks omitted). Thus, “[f]or Rooker-Feldman purposes, a federal claim and a state claim are inextricably intertwined, where, if the federal claim succeeds, the state court judgment would be effectively voided.” Obstetrics and Gynecology, 270 F. Supp.2d at 642 (citing Gulla v. N. Strabane Township, 146 F.3d 168, 171 (3d Cir. 1998)). That is, “Rooker-Feldman precludes a federal action if the relief requested in the federal action would effectively reverse the state decision or void its ruling.” Bardsley, 956 F. Supp. at 573 (quotation and internal quotation marks omitted). “Therefore, any federal action in which the requested relief would reverse or nullify the ruling in state court is barred under the Rooker-Feldman doctrine.” Travis, 226 F. Supp.2d at 668.

Upon review of Plaintiff’s claims, including the relief requested therein, the Court concludes that it lacks subject matter jurisdiction under Rooker-Feldman. Plaintiff’s claims are inextricably intertwined with the decisions of the Court of Common Pleas of Bucks County and the Superior Court of Pennsylvania. The allegations that constitute Plaintiff’s claims show that he is challenging the decisions of the Defendants as they pertain to his state court action. In Count I, Plaintiff challenges both the decision by Judge Clark regarding the allowance of rebuttal testimony, as well as the decision by the Superior Court to quash his appeal in its entirety. (Am. Compl. ¶¶ 24-25). Regarding Count II, Plaintiff asserts a general challenge against the Defendants’ actions concerning his state court litigation. (Id. ¶¶ 27-29). Review of Plaintiff’s

claims reveals that he effectively is seeking appellate review of the prior state court decisions through disguising his federal claims in terms of constitutional violations.

Under the Rooker-Feldman doctrine, a federal claim is an impermissible challenge to a state court decision when entertaining the claim would be equivalent to an appellate review of the state court order. *See supra* p. 4. Rooker-Feldman does not “permit a disappointed state plaintiff to seek review of a state court decision in the federal court by masquerading his complaint in the form of a federal civil rights action.” Logan v. Lillie, 965 F. Supp. 695, 698 (E.D. Pa. 1997). “If it were otherwise, any person dissatisfied with a state . . . award could seek review in the district court under the guise of a federal civil rights violation.” Id. (quotation and internal quotation marks omitted). Thus, “Rooker-Feldman counsels that the path for correcting a lower state court’s decision, even one which assertedly results in a violation of the plaintiff’s federal constitutional rights, lies with the state appellate courts and ultimately with the United States Supreme Court.”⁴ Id. (citation omitted).

In addition to the aforementioned, the federal relief sought by Plaintiff is barred under the Rooker-Felman doctrine. In Counts I and II, Plaintiff seeks to set aside the judgment handed down in the state action or, in the alternative, vacate the Pennsylvania Superior Court’s decision to quash Plaintiff’s appeal. Plaintiff’s requests for relief are squarely focused upon reversing the outcome of his unsuccessful state court appearance. Such requested relief would reverse or nullify the ruling of either the Court of Common Pleas or the Superior Court, which is barred pursuant to the Rooker-Feldman doctrine. Under Rooker-Feldman, this Court plainly

⁴ Regarding the state court litigation, the Court reiterates that Plaintiff’s Petition for Allowance of Appeal in the Pennsylvania Supreme Court was denied. Also, Plaintiff’s Petition for Writ of Certiorari was denied by the United States Supreme Court.

lacks jurisdiction to grant this relief. See Travis, 226 F. Supp.2d at 668. As such, the claims, including their requested relief, contained within Plaintiff's Amended Complaint are inextricably intertwined with the state court adjudication. Consequently, the Rooker-Feldman doctrine precludes the Court from exercising subject matter jurisdiction over Plaintiff's claims. Therefore, the Court dismisses Plaintiff's action for lack of subject matter jurisdiction under Rooker-Feldman.⁵

B. Plaintiff's Motion to Amend

In Plaintiff's response to the Defendants' Motion to Dismiss, he requests leave to file a Second Amended Complaint that "replaces the Superior Court and Court of Common Pleas on the caption with the names of every Superior Court Judge and the Common Pleas Court Judges referenced in the **Amended Complaint**."⁶ (Pl.'s Answ. Defs.' Mot. to Dismiss at 2). Under Federal Rule of Civil Procedure 15(a), "leave to amend shall be freely given, in the absence of circumstances such as undue delay, bad faith or dilatory motive, undue prejudice to the opposing party or futility of amendment." Flynn v. Best Buy Auto Sales, 218 F.R.D. 94, 96 (E.D. Pa. 2003)(quotation and internal quotation marks omitted); see also Cowell v. Palmer

⁵ Defendants also argue that Plaintiff's Amended Complaint should be dismissed on additional grounds including, but not limited to, Eleventh Amendment immunity and the Federal Courts Improvement Act of 1996. (See Defs.' Mot. to Dismiss). However, since I find that the Rooker-Feldman doctrine deprives this Court of subject matter jurisdiction, there is no need to reach the alternative grounds for dismissal proffered by Defendants.

⁶ Plaintiff also seeks leave to file a Second Amended Complaint to include a Section 1983 conspiracy claim. As explained in Part I, the Court assumed, for purposes of deciding the instant Motion, that Plaintiff's conspiracy claim was premised upon Section 1983. In light of the Court's analysis that it lacks subject matter jurisdiction over Plaintiff's Section 1983 claims due to the Rooker-Feldman doctrine, Plaintiff's request to include a Section 1983 conspiracy claim in a Second Amended Complaint would be ineffective and, therefore, is denied.

Township, 263 F.3d 286, 296 (3d Cir. 2001)(stating that “leave to amend need not be granted when amending the complaint would clearly be futile”). Regarding futility of amendment, “[a]n amendment is futile if the amended complaint cannot withstand a motion to dismiss.” Williams v. Phila. Hous. Auth., 826 F. Supp. 952, 954 (E.D. Pa. 1993)(citation omitted). The Court has reviewed Plaintiff’s proposed amendments and concludes that granting him leave to file a Second Amended Complaint would be futile. It is clear that permitting Plaintiff to amend his Amended Complaint to include the names of the pertinent state court judges on the caption would be futile because such a revision has no bearing on the Court’s lack of jurisdiction under the Rooker-Feldman doctrine. Accordingly, Plaintiff’s request for leave to amend is denied.

IV. CONCLUSION

As explained earlier, the Court has a special obligation to liberally construe Plaintiff’s allegations due to the fact that he is a *pro se* litigant. Nevertheless, after consideration of Plaintiff’s claims, including the requested relief contained therein, the Court finds that Plaintiff cannot prove any set of facts in support of his claim which would entitle him to relief. Plaintiff’s claims and requests for relief are inextricably intertwined with the decisions of the Court of Common Pleas and the Superior Court of Pennsylvania. Thus, under Rooker-Feldman, the Court lacks subject matter jurisdiction over Plaintiff’s action. Regarding Plaintiff’s request for leave to amend, it is denied because the Court finds that such amendment would be futile.

An appropriate Order follows.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN H. MORLEY, JR.,

Plaintiff,

v.

SUPERIOR COURT, et al.,

Defendants.

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CIVIL ACTION

No. 03-6012

ORDER

AND NOW, this 26 th day of February, 2004, upon consideration Defendants'

Motion to Dismiss, and the Response thereto, it is hereby **ORDERED** that:

1. Defendants' Motion to Dismiss (Doc. No. 7) is **GRANTED**;
2. Plaintiff's Amended Complaint is **DISMISSED WITH PREJUDICE** for lack of subject matter jurisdiction; and
2. Plaintiff's request for leave to file a Second Amended Complaint is **DENIED**.

BY THE COURT:

Robert F. Kelly,

Sr. J.